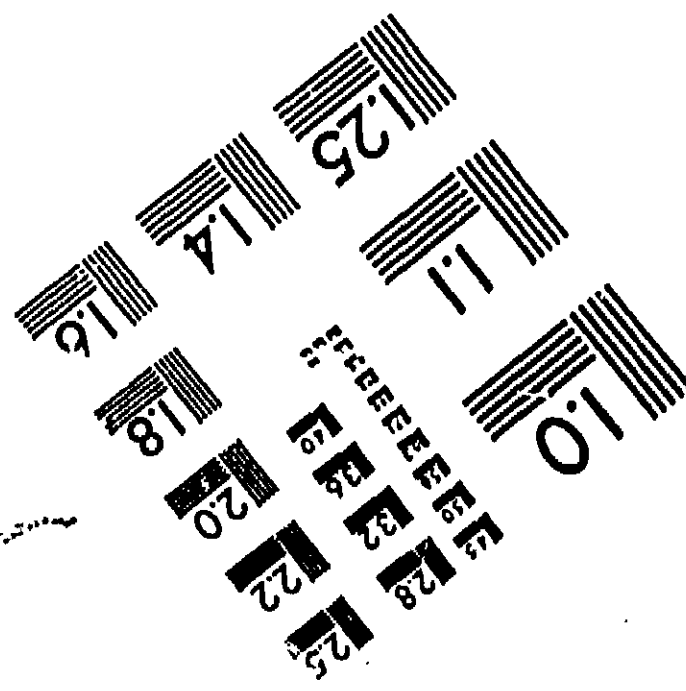
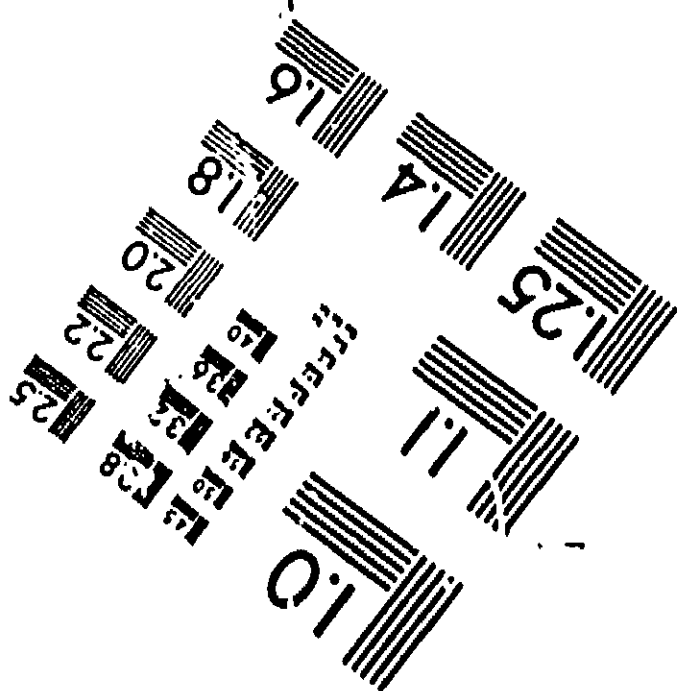
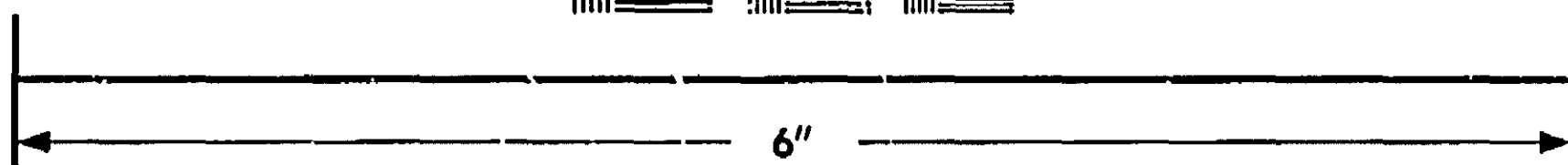
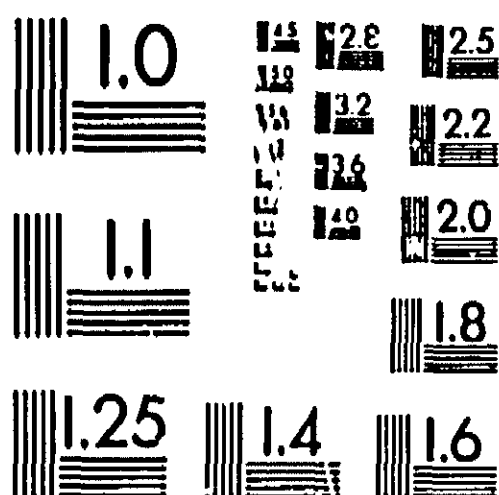
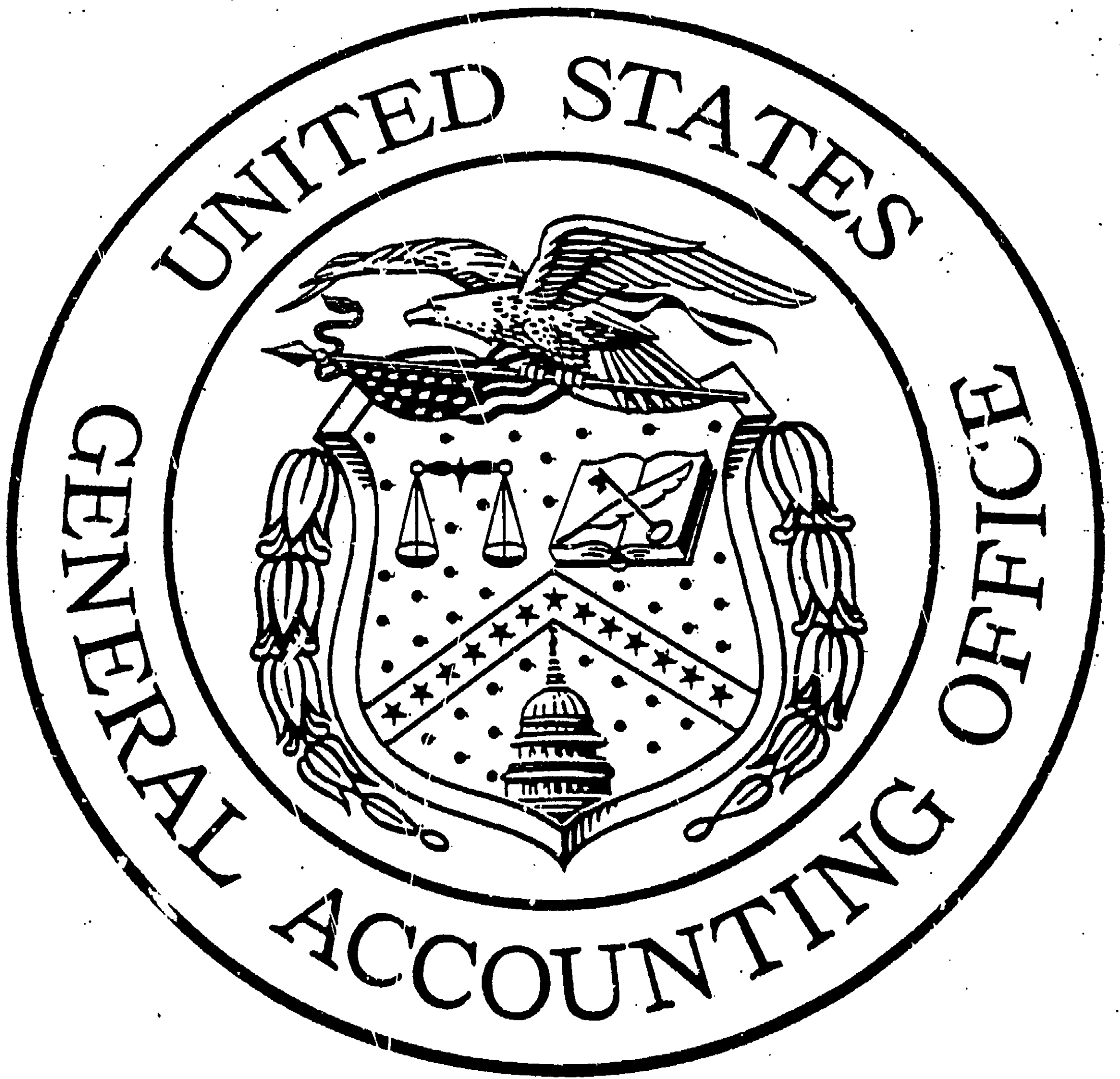


# IMAGE EVALUATION TEST TARGET (MT-3)



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118588, Morrow

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-207449

DATE: June 2, 1982

MATTER OF: G.W. Galloway Company

**DIGEST:**

Protest concerning bidder's small business size status is not for review by GAO since by law it is matter for decision by Small Business Administration.

G.W. Galloway Company (GW) protests the small business size status of Southwest Truck Body Company (Southwest), the low bidder on solicitation No. DAAE07-82-B-A542 issued as a small business set-aside by the United States Army. GW contends that Southwest is ineligible for award as a small business because it is affiliated with several other firms and the labor requirements of this contract will cause Southwest to exceed the employee limitation of the small business classification.

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. Therefore, this Office does not consider size status protests. See Walsky Construction Co., B-202719, April 9, 1981, 81-1 CPD 276. Rather, under the regulations, such protests are to be filed with the contracting officer within 5 days of bid opening, for referral to the SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1) (DAC #76-19, July 27, 1979).

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

**END**